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August 31, 2001

To: Community Based Alternatives (CBA)
Home and Community Support Services (HCSS) Providers

Subject: Long Term Care (LTC)
Information Letter No. 01-13
Opening of CBA Enrollment & Appropriations Riders, 77th Legislature

Effective September 1, 2001, DHS regional staff will begin processing individuals from the CBA interest list for FY 2002 slots allocated to the regions. This letter provides information on the DHS appropriations riders 7 and 37 enacted by the 77th Legislature that affect services in the Community Based Alternatives (CBA) program.

SECOND APPROVALS FOR PRE-ENROLLMENT ASSESSMENTS

If the HCSS agency has a concern about the validity of a pre-enrollment assessment, the HCSS agency should request approval to conduct a second pre-enrollment assessment. A new Client Assessment, Review, and Evaluation (CARE), Form 3652 should not be completed by the HCSS agency.

APPROPRIATIONS RIDERS

Rider 7. B. (2) Nursing Home Provisions

The department may not disallow or jeopardize community services for individuals currently receiving services under Medicaid waivers if those services are required for that individual to live in the most integrated setting and the exemption complies with the federal Health Care Financing Authority's cost-effectiveness requirement.

Rider 37. Promoting Independence

It is the intent of the legislature that as Medicaid clients relocate from nursing facilities to community care services, funds will be transferred from Nursing Facilities to Community Care Services to cover the cost of the shift in services.

The riders are effective September 1, 2001. The following procedures will be utilized in the CBA program to ensure compliance with the intent of the appropriation riders:

Rider 7 B. (2)

Denials will no longer be made based on an individual's Individual Service Plan (ISP) total

annual cost exceeding their Texas Index for Living of Effort (TILE) cost ceiling. Requests for a CBA participant's ISP to exceed the amount will be considered by the case manager based on the individual participant's need for the requested service(s) to continue living in the most integrated setting in the community. The DHS case manager will approve or deny an increase in service in consultation with the DHS regional nurse as needed.

Rider 37

Individuals residing in a Texas nursing facility (NF) and receiving Medicaid have the option to relocate into a community setting and access DHS Community Care Services. The Medicaid funds used to pay for the individual's care in a NF will be transferred to Community Care to pay for CCAD services, such as CBA. DHS case managers will initiate the CBA application process while the individual is in the NF. If the individual meets the eligibility criteria for the CBA program, services will be initiated upon release from the NF to a community setting. The individual who transitions back into the community on CBA services will not affect the regional CBA slot allocation.

If you have any questions or need additional information, please contact Rudy Gomez at 512-438-3740.

Sincerely,

signature on file

Becky Beechinor
Assistant Deputy Commissioner
Long Term Care Services

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